

UNITED STATES DISTRICT  
COURT DISTRICT OF  
MASSACHUSETTS

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UNITED STATES OF AMERICA

v.

No. 11-cr-10062-NMG

RUSSELL ROSE

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**DEFENDANT'S MOTION FOR REDUCTION OF SENTENCE**  
**PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Russell Rose (Mr. Rose") moves this Court for a reduced sentence pursuant to 18 U.S.C. § 3582(c)(2) based on the retroactive application of Amendment 821 to the United States Sentencing Guidelines.

As grounds, Part A of Amendment 821 amended U.S.S.G. § 4A1.1 (Criminal History Category) to limit the overall criminal history impact of "status points" (*i.e.*, the additional criminal history points given to defendants for the fact of having committed the instant offense while under a criminal justice sentence, including probation, parole, supervised release, imprisonment, work release, or escape status). This amendment was based on Commission research which found that status points only minimally improve the predictive value of the criminal history score. Under this Amendment, defendants who had six or fewer criminal history points (excluding previously-added "status points") would receive no "status points," and defendants with seven or more criminal history points (excluding previously-added "status points") would receive one status point. *See U.S.S.G. § 4A1.1(e)*. Pursuant to U.S.S.G. § 1B1.10(c)(2), the effective date of orders reducing a defendant's term of imprisonment under Amendment 821 must be no earlier than February 1, 2024.

Mr. Rose submits that he is eligible for a sentence reduction under 18 U.S.C. § 3582(c)(2)

*Motion allowed. SPM/Gorton, USDJ 03/14/2024*